

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SIXTY-01 ASSOCIATION OF
APARTMENT OWNERS,

Plaintiff,

v.

PUBLIC SERVICE INSURANCE
COMPANY, *et al.*,

Defendants.

CASE NO. C22-1373-JCC

ORDER

This matter comes before the Court on Defendant Public Service Insurance Company's ("PSIC") motions to (1) further extend the case deadlines and expand the number of depositions (Dkt. No. 241) and (2) file overlength summary judgment motions on an extended briefing schedule (Dkt. No. 245).

As to the first motion (Dkt. No. 241), PSIC seeks to extend the discovery cut-off by another 45 days, reset other case deadlines beyond this date, and expand the number of permitted depositions by five. (*See generally id.*). This extension would, undoubtedly, delay trial. (*See* Dkt. No. 219.) And, as Plaintiff's briefing makes clear, it would be highly prejudicial. (*See* Dkt. No. 246 at 11–13.) Therefore, in light of the relevant factors, *see Rollins v. Traylor Bros. Inc.*, 2017 WL 2215778, slip op. at 1 (W.D. Wash. 2017), the Court cannot find good cause for PSIC's

1 request.¹ Nor is PSIC's request for additional depositions yet ripe. As the Court recently
2 explained, such a request "is premature before a party has exhausted the 10 [depositions]
3 permitted under Rule 30(a)(2)." *Rittmann, et al., v. Amazon.com, Inc., et al.*, 2024 WL 5007295,
4 slip op. at 1 (W.D. Wash. 2024).² Nevertheless, based on PSIC's ex parte submission, the Court
5 concludes that one of its principal witnesses, Michael Dubyk, may not be available to testify at
6 trial. In light of this development, the Court affords PSIC one additional deposition over and
7 above the ten permitted by Rule 30(a)(2) without leave of the Court. This deposition must solely
8 be for purposes of perpetuating Mr. Dubyk's testimony, should he be unavailable at trial. Given
9 the extenuating circumstances associated with Mr. Dubyk's condition, the Court extends the
10 discovery deadline, solely for purposes of this deposition, to February 28, 2025. Separately,
11 given the scheduling conflicts described in the parties' submissions regarding depositions
12 noticed to date, the Court extends the discovery deadline, solely with respect to depositions
13 permitted without leave of the Court, to January 17, 2025. The changes to deadlines above have
14 no import on the dispositive motion deadline, which remains January 6, 2025.

15 As to the second motion (Dkt. No. 245), PSIC asks for leave to file up to five
16 contemporaneous summary judgment motions and/or a single overlength omnibus brief of up to
17 21,000 words. (*Id.* at 1–2.) It also asks to extend the briefing dates beyond that provided by the
18 local rules. (*Id.* at 3.) Given the complexity of the unresolved legal issues here, the Court finds
19 good cause to partially grant this request. Accordingly, each party may file a single omnibus
20 summary judgment motion up to 12,600 words.³ Contemporaneous summary judgment motions

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22 ¹ In reaching this conclusion, the Court is mindful of the fact that it previously extended the case
23 schedule at PSIC's request and any harm that may come without a further extension is, to a large
24 extent, PSIC's own doing, given its decision to change counsel as the discovery cut-off
approached. (*See generally* Dkt. No. 219.)

25 ² As of the date of PSIC's motion, it had taken two of its allotted depositions. (*See* Dkt. No. 241
at 9 n.9.)

26 ³ PSIC has not established good cause for the 21,000 words it seeks. On its face, this appears
excessive.

1 will not be permitted. All issues which a party seeks summary judgment must be included in its
2 omnibus motion. The page limits for respective opposition briefs shall be 12,600 words and reply
3 briefs 6,300 words. The LCR 7(d)(4) briefing schedule for these motions remains in force.
4 However, to the extent the parties would like to combine response/reply briefs with cross-
5 motions *and can agree on a schedule and word count* to do so, they may so stipulate (and may
6 deviate from the LCR 7(d)(4) schedule). *See* LCR 7(k).

7 For the foregoing reasons, PSIC's motions (Dkt. Nos. 241, 245) are GRANTED in part
8 and DENIED in part, as described above. It is so ORDERED this 23rd day of December 2024.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE